

**MAY 3, 2016**

**MINUTES OF MECKLENBURG COUNTY, NORTH CAROLINA  
BOARD OF COUNTY COMMISSIONERS**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, North Carolina at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, May 3, 2016.

**ATTENDANCE**

**Present:** Vice-Chairman Dumont Clarke and Commissioners  
Patricia “Pat” Cotham, George Dunlap,  
Bill James, Vilma D. Leake, Jim Puckett,  
Matthew Ridenhour, and Ella B. Scarborough  
County Manager Dena R. Diorio  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

**Absent:** Chairman Trevor M. Fuller

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**-INFORMAL SESSION-**

***The meeting was called to order by Vice-Chairman Clarke, after which the matters below were addressed.***

**REMOVAL OF ITEMS FROM CONSENT**

The Board identified items 16-3248, 16-3265, and 16-3283, to be removed from Consent and voted upon separately.

It was the consensus of the Board to move Item 16-3283 Proclamation—Older Americans Month from Consent to Awards/Recognition.

**STAFF BRIEFINGS**

**16-3282      STAFF REPORT ON 2017 BENEFIT PLAN BUDGET**

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The Board received information on potential health and wellness changes for 2017 benefit plan year from Human Resources Director Joel Riddle.

*Note: Mecklenburg County is experiencing increases in medical costs. Trend data indicates that medical and pharmacy costs continue to rise. The County's existing medical plans have not kept up with these increased costs. Director Riddle provided information on increased claims costs and preliminary options to reduce costs while offering competitive benefit options to county employees.*

***A copy of the report is on file with the Clerk to the Board.***

Comments

Commissioner James asked if staff knew the reasons for hospital visits. *The response was yes, but not who the individuals were.*

Commissioner Dunlap asked about a Health Savings Account (HSA) versus a Flexible Spending Account (FSA), which was addressed.

Commissioner Leake commented on the importance of educating employees about health and wellness.

Commissioner Cotham asked about surveying employees to assess their knowledge of available benefits, which was addressed.

Commissioner Puckett noted that all of Carolinas Healthcare System employees were on an HSA.

Vice-Chairman Clarke commented on the high cost of pharmaceuticals.

Commissioner James said the proposed change could negatively impact lower paid employees and retirees.

Commissioner Cotham asked about mail order prescriptions, which was addressed.

County Manager Diorio said any recommended changes would be reflected in her recommended budget.

This concluded the discussion. No action was taken or required.

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**CLOSED SESSION**

**16-3268      CONSULT WITH ATTORNEY**

Motion was made by Commissioner Scarborough, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

***The Board went into Closed Session at 5:47 p.m. and came back into Open Session at 5:51 p.m.***

***The Board then proceeded to the Meeting Chamber for the remainder of the meeting.***

**-FORMAL SESSION-**

*Vice-Chairman Clarke called this portion of the meeting to order which was followed by introductions, invocation by Commissioner Leake, and the Pledge of Allegiance to the Flag; after which, the matters below were addressed.*

**AWARDS/RECOGNITION**

**16-3283      PROCLAMATION – OLDER AMERICANS MONTH**

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to adopt a proclamation designating May 2016 as “Older Americans” month in Mecklenburg County.

The proclamation was read by Commissioner Leake and received by Mike Taylor with the Mecklenburg County Department of Social Services.

# Mecklenburg County

## North Carolina

### Proclamation

**WHEREAS**, Mecklenburg County is a community where more than 140,000 citizens are aged 60 and older; and

**WHEREAS**, the older adults in Mecklenburg County are the roots from which our community grows, who bestow gifts of wisdom, experience and insight upon younger generations, and strengthen the bonds between neighbors to create a better place to live; and

**WHEREAS**, Mecklenburg County includes a thriving community of older Americans who deserve recognition for their contributions and sacrifices to ensure a better life for future generations; and

**WHEREAS**, Mecklenburg County is committed to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

**WHEREAS**, Older Americans Month provides an opportunity to raise awareness of the importance of community engagement as a tool for enhancing the wellbeing of older adults and making the benefits of community living a reality for more older Americans; and

**WHEREAS**, Older Americans Month acknowledges the perennial contributions of older adults to our nation and uses this opportunity to raise awareness about important issues facing older adults. It also highlights the ways that older Americans are advocating for themselves, their peers and their community:

**NOW, THEREFORE, BE IT RESOLVED**, that the Mecklenburg Board of County Commissioners, in conjunction with the national observance of Older Americans Month with the theme "*Blaze A Trail*," does hereby proclaim May 2016 as

#### "OLDER AMERICANS MONTH"

in Mecklenburg County and urges all residents to take time to honor and celebrate older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to our community.

This the 3<sup>rd</sup> day of May 2016.

  
Trevor M. Fuller, Chairman  
Mecklenburg Board of County Commissioners



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**PUBLIC APPEARANCE**

**16-3266      PUBLIC APPEARANCE**

The following persons appeared to speak during the Public Appearance portion of the agenda:

Adrienne Johnson spoke in support of the appeal from Charlotte-Mecklenburg Schools regarding funding of new construction projects and for improvements to existing programs and structures within the system. Ms. Johnson's children attend Waddell Language Academy, where she serves as the current PTSA president.

Rodger Nolden spoke in support of the appeal from Charlotte-Mecklenburg Schools (CMS) regarding funding of new construction projects, specifically, in the southwest part of the County. He also spoke in support of placing a school bond referendum on the ballot in November of this year and/or for a solution of some type to address the infrastructure needs of CMS.

Paul Williams addressed an exercise program for seniors at Mallard Creek Recreation Center conducted by Cheryl Thomas, a contracted instructor. The class is call "Light and Lively." Mr. Williams spoke very favorably of the program. He expressed concern, however, for a possible reduction in compensation for the instructor, per a compensation review conducted by Park and Recreation. Mr. Williams said he did not want to lose the program or Ms. Thomas because of a compensation issue.

**APPOINTMENTS - NONE**

**PUBLIC HEARINGS - NONE**

**ADVISORY COMMITTEE REPORTS**

**16-3272      NURSING HOME COMMUNITY AND ADULT CARE HOME COMMUNITY  
ADVISORY COMMITTEE ANNUAL REPORT**

The Board received as information the Nursing Home Community and Adult Care Home Community Advisory Committee Annual Reports.

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Lindsay Tice, Adult Care Home Regional Ombudsman and Hillary Kaylor, Nursing Home Regional Ombudsman, Centralina Council of Governments, Centralina Area Agency on Aging, gave the report.

***A copy of the Report is on file with the Clerk to the Board.***

#### Comments

Commissioners Scarborough and Leake expressed thanks to the Ombudsmen and committee members for all of their work.

Commissioner Cotham also expressed thanks. She asked was information available regarding the number of complaints and/or feedback received from families and/or residents in the facilities. *The Ombudsmen addressed how complaints were received and handled.*

Commissioner Cotham asked was it still the practice of nursing homes to maintain a log of complaints in the entryway. *The response was yes and that it's normally kept in the lobby area. It's the results of the facility's regulatory survey. The Ombudsmen suggested the best way to find the most recent information would be to go to the Medicare.gov website.*

Commissioner Cotham asked was there another resource for persons needing information with respect to nursing homes and/or adult care facilities. *It was noted that persons could contact the local Ombudsmen.*

Commissioner Cotham asked was there a link from the County's website to the Centralina Council of Governments' Centralina Area Agency on Aging site. *The Ombudsmen said not to their knowledge.*

Commissioner Cotham suggested a link be placed on the County's website that would connect to the Centralina Area Agency on Aging's site, if possible. *County Manager Diorio said staff would follow-up on the request.*

Vice-Chairman Clarke commented on in home care that many residents received. He asked if the Centralina Area Agency on Aging had any involvement in that area. *The Ombudsmen addressed "skilled home care" services and non-medical home care services, both aimed at keeping persons in their homes for as long as possible.*

Vice-Chairman Clarke asked the Ombudsmen if they were a point of contact for those types of services as well. *The response was that they would be a starting point for referring individuals to*

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*the appropriate contacts.*

Vice-Chairman Clarke thanked the presenters for their report, as well as, committee members for all that they do.

## **MANAGER'S REPORT**

### **16-3281      LAW ENFORCEMENT SERVICE DISTRICT AND FIRE PROTECTION SERVICE DISTRICTS UPDATE**

The Board received preliminary FY2017 budget estimates for the Law Enforcement Service District (LESD) and Fire Protection Service Districts (FPSD) from Management and Budget Director Michael Bryant.

*Note: The Law Enforcement Service District (LESD), created by the Board effective January 1996, is used to finance and provide law enforcement services in the unincorporated areas of Mecklenburg County. According to the inter-local agreement between the City of Charlotte and Mecklenburg County, the County's share of the net Charlotte-Mecklenburg Police Department (CMPD) budget is based on the overall percentage of the unincorporated area population to the total population served by CMPD. In 2013, Mecklenburg County levied a Fire Protection Service District (FPSD) tax to pay for fire services in the towns and unincorporated area. A total of five service districts were created to service the extraterritorial jurisdictions (ETJs) left in the County. The ETJs include geography outside the four towns (Cornelius, Davidson, Huntersville and Mint Hill) and the City of Charlotte. These districts were created to fund the cost of providing fire protection services to all residents in the service district, with the cost burden carried by all service district property owners, through the fire protection service district.*

***A copy of the report is on file with the Clerk to the Board.***

Comments

### **LESD**

Commissioner Dunlap commented on the size of the law enforcement service district. He said the rate had not gone down even though the population within the LESD had decreased. He said at some point, residents within the LESD may end up paying the same rate as residents within the City of Charlotte or more.

Commissioner Dunlap asked was there a plan to address the issue of residents in LESD paying either the same rate or a higher rate than persons within the City of Charlotte.

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Director Bryant said the Board would have some tough decisions to make. He noted that the LESD was started in 1996 with the anticipation that it would go away as a result of annexations, but that had not happened.

Vice-Chairman Clarke said in 2003 or 2004, there was a Commission on the Future of Policing in Mecklenburg County. He said perhaps it was time to have that group reconvene to examine the issue.

Commissioner Puckett said preliminary discussions were currently taking place with the Towns of Cornelius and Huntersville regarding this issue.

Commissioner James said a law was passed by the N.C. legislature that gave authority to the towns' police departments to supervise their ETJ (extra territorial jurisdiction).

Commissioner James said it was his understanding that in light of that authority, the Town of Huntersville did not have to go to the Legislature in order to annex an ETJ in order to police it.

Commissioner James said the problem was that when the County asked the towns, years ago, how much they would charge to police the ETJ, the figures were "outrageous."

Commissioner James questioned why town officials weren't willing to offer the service at the same amount as CMPD. He said it would supplement their budget, allow them to hire more people, and provide better service.

Commissioner James said the towns could take it over and that he believed there was an eighteen month advance notice that had to be given to CMPD.

Commissioner Puckett commented on the notification process for terminating the interlocal agreement with CMPD.

County Attorney Bethune said there was a separate agreement between the County and the City of Charlotte with respect to law enforcement. County Attorney Bethune said the agreement could be terminated by giving fourteen months' notice.

County Attorney Bethune said the question would then be, how you go about providing law enforcement services to the unincorporated areas, at what cost, and by whom. Do you ask and fund the Sheriff to police the areas? Do you get legislation through the General Assembly to delegate it to the towns, assuming the towns wanted to do it?



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Commissioner Dunlap suggested a committee be formed, sooner rather than later, to take the necessary time to study the history and all of the intricacies involved, so that by this time next

year, the Board would be in a position to at least have a clue as to the direction it wanted to go; and to not “disadvantage” those citizens who live in the unincorporated area.

County Manager Diorio noted conversations with the Huntersville Chief of Police, Commissioner Puckett and the City Manager. She said the next step was for the Huntersville Police Chief to meet with the CMPD Police Chief, and the City Manager to talk about possible renegotiation for the Town of Huntersville.

County Manager Diorio said the meeting between City of Charlotte officials and Town of Huntersville’s officials was a good next step because if that portion could be renegotiated to satisfy their needs, then “that's the way to go.”

County Manager Diorio said one size would not fit all.

County Manager Diorio said she did not think the Town of Pineville was interested in changing the arrangement.

County Manager Diorio said terminating the agreement was not a viable option because there would still be unincorporated areas in Charlotte. She said this was not just a town issue.

County Manager Diorio said having conversations and negotiating individually with each entity was “the better way to go.”

Commissioner Dunlap said he was okay with that process, but that whatever ended up being decided, should be “fair and equitable across the board.”

Vice-Chairman Clarke said he concurred with the County Manager that it was better to address the issue on a one on one basis. He said each of the towns had a different set of circumstances that would have to be taken into consideration.

Commissioner Cotham suggested holding town hall meetings to ensure input from the residents in these areas. She said many residents were not pleased with the services provided by CMPD.

## **FPSD**

Comments

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Commissioner Dunlap commented on the use of surplus funds by fire departments. Commissioner Dunlap said he wanted to see specifically what items would be purchased by the fire departments and whether those purchases would improve the quality of services.

Commissioner Dunlap said an analysis was needed to determine if the rates should continue to increase.

Commissioner Puckett asked was there an opportunity to deny the request. *County Manager Diorio said the tax rate was and would be set and levied by the Board.*

Commissioner Puckett said based on what was presented, he wasn't sure the tax represented the need. Commissioner Puckett said the increase being requested by the towns opened up the opportunity for people who live in the ETJ to get an increase in taxes but not in services.

Commissioner Puckett said he, too, would like to see how the funds would be spent by the fire departments.

Commissioner James noted that he was opposed to setting up the FPSD when it occurred. He elaborated on what he thought should have happened.

#### **DEPARTMENTAL DIRECTORS' MONTHLY REPORTS - NONE**

#### **STAFF REPORTS & REQUESTS**

#### **16-3264      COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM -- FEDERAL FISCAL YEAR 2016-17 ANNUAL ACTION PLAN SUMMARY**

Assistant to the County Manager Timmothy Tibbs addressed the proposed Federal Fiscal Year 2016-17 Annual Action Plan for Mecklenburg County's Community Development Block Grant (CDBG) program, funded by the US Department of Housing and Urban Development. He was assisted by Victoria Rittenhouse with the Centralina Council of Governments.

*Note: As required by the U.S. Department of Housing and Urban Development (HUD), Mecklenburg County prepares an Annual Action Plan each year, that describes the funding levels and activities to be undertaken during the individual upcoming program year for the CDBG program to address the priority needs and objectives as outlined in the Consolidated Plan. As an entitlement community, Mecklenburg County receives an annual share of federal*

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*Community Development Block Grant funds. In order to receive its CDBG entitlement funding, the County must submit the Annual Action Plan to HUD. The Federal Fiscal Year 2016-17 (October 2016 - September 2017) Annual Action Plan includes the funding application for CDBG funds in the amount of \$744,608.*

***A copy of the plan is on file with the Clerk to the Board.***

Comments

Commissioner James said he was supportive of the request but questioned whether or not this was “true” housing. He said it appeared to be more urban development.

Commissioner Leake asked about the decision process for determining which projects to include, which was addressed.

Commissioner Leake asked that going forward consideration be given to including lighting projects in communities.

Motion was made by Commissioner James, seconded by Commissioner Scarborough and unanimously carried with Commissioners Clarke, Cotham, Dunlap, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to approve the Federal Fiscal Year 2016-17 Annual Action Plan for Mecklenburg County's Community Development Block Grant program, funded by the US Department of Housing and Urban Development.

### **COUNTY COMMISSIONERS REPORTS & REQUESTS**

#### **16-3279      2016 BOCC MEETING SCHEDULE -- AMEND (CHAIRMAN FULLER)**

Motion was made by Commissioner Scarborough, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to amend the 2016 BOCC Meeting Schedule to move the Tuesday, June 7, 2016 meeting to Wednesday, June 8, 2016.

*Note: At its November 17, 2015 meeting, the Board adopted its 2016 Meeting Schedule. On that schedule, the Board approved meeting on Tuesday, June 7, 2016. The Second Primary Election that was scheduled for Tuesday, May 3, 2016 was cancelled and rescheduled for June 7, 2016.*

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**CONSENT ITEMS**

**Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cotham, Dunlap, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to approve the following item(s):**

**16-3251      PROCLAMATION – THE BIG SPRING CLEAN DAY**

Adopt a proclamation designating Saturday, May 14, 2016 as The Big Spring Clean Day in Mecklenburg County.

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# Mecklenburg County

## North Carolina

### Proclamation

**WHEREAS**, the County of Mecklenburg is rich in natural resources and beauty; and

**WHEREAS**, water is a basic and essential need for all life; and

**WHEREAS**, trash fouls our waterways as well as our landscapes; and

**WHEREAS**, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and

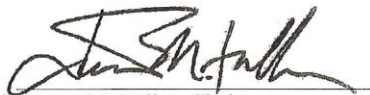
**WHEREAS**, The Big Spring Clean is a local community effort to retrieve trash from Mecklenburg County's waterways and landscapes.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mecklenburg Board of County Commissioners, do hereby proclaim, May 14, 2016 as

#### **"THE BIG SPRING CLEAN DAY"**

in Mecklenburg County and commend its observance to all citizens.

**Adopted this the 3rd day of May, 2016.**



Trevor M. Fuller, Chairman  
Mecklenburg Board  
of County Commissioners



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**16-3267       MINUTES**

Approve Minutes of Regular meeting held April 19, 2016 and April 5, 2016.

**16-3270       PROCLAMATION – INTERNATIONAL INTERNAL AUDIT AWARENESS MONTH**

Adopt a proclamation designating May 2016 as International Internal Audit Awareness Month in Mecklenburg County.

# Mecklenburg County

## North Carolina

### Proclamation

**WHEREAS**, The Institute of Internal Auditors has designated May 1<sup>st</sup> through May 31<sup>st</sup> as 'International Internal Audit Awareness Month'; and

**WHEREAS**, internal auditing is a vital part of strengthening organizations and protecting stakeholders of both the public and private sectors; and

**WHEREAS**, internal auditing helps identify and manage the organization's risk and ensure policies, procedures, and controls are in place and working appropriately; and

**WHEREAS**, internal auditing is an increasingly sophisticated and complex activity requiring specialized knowledge, training, and education; and

**WHEREAS**, internal auditing is an established profession, led by The Institute of Internal Auditors, with a globally recognized code of ethics and *International Standards for the Professional Practice of Internal Auditing*; and

**WHEREAS**, the contribution of internal auditors to the success of organizations and the global economy at large deserves our recognition and commendations:

**NOW, THEREFORE, BE IT RESOLVED** that the Mecklenburg Board of County Commissioners does hereby proclaim, May 1<sup>st</sup> through May 31<sup>st</sup>, 2016 as

#### "INTERNATIONAL INTERNAL AUDIT AWARENESS MONTH"

in Mecklenburg County and encourage all citizens to join us in recognizing 'International Internal Audit Awareness Month' and the important role internal auditors play in our community.

Signed this 3rd day of May 2016.

  
Trevor M. Fuller, Chairman  
Mecklenburg Board of County Commissioners



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**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

**16-3248      4TH STREET PARKING DECK -- PARKING ACCESS AND REVENUE COLLECTION SYSTEM**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to recognize and appropriate \$650,000 in parking revenue in the capital reserve fund for 4th Street Parking Deck renovations; and to award a contract to Carolina Time Equipment Company, Inc. in the amount of \$393,323.00, for the purchase and installation of the Parking Access and Revenue Collection System at the 4th Street Parking Deck.

Commissioner Leake removed this item from Consent for more public awareness.

**16-3265      BUDGET AMENDMENT – DEPARTMENT OF SOCIAL SERVICES (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cotham, Dunlap, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to:

- 1) Recognize, receive and appropriate Medicaid revenue in the amount of \$300,000.

*Note: The Medicaid transportation budget is in need of an additional \$300,000 due to increased ridership and contractual increases for the current fiscal year. The funds will be used to transport adults and children authorized to receive Medicaid transportation to and from medical destinations. This program is reimbursed at 100% and no additional County funds are needed.*

- 2) Recognize, receive and appropriate other revenue in the amount of \$4,000.

*Note: The funds budgeted in the Senior Nutrition Program budget was primarily used for operational expenses and for purchase of congregate and home-delivered meals. In addition to providing meal service, it aims at providing opportunities to seniors that promote social well-being, health and wellness. The seniors donate money to be used to pay for additional expenses such as exercise programs and recreational activities that seniors are interested in, but not funded to that level in the budget.*



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Commissioner Leake removed this item from Consent for more public awareness.

**ADJOURNMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and unanimously carried with Commissioners Clarke, Cotham, Dunlap, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:56 p.m.

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Janice S. Paige, Clerk

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Dumont Clarke, Vice-Chairman